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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,652	07/06/1999	JAMEY GRAHAM	15358-005500	5555

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EXAMINER

PAULA, CESAR B

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 07/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/348,652

Applicant(s)

GRAHAM, JAMEY

Examiner

CESAR B PAULA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/29/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 8, 10-15, 17, 18, 20-25, 27, 28 and 30-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-8, 10-15, 17-18, 20-25, 27-28, and 30-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the amendment filed on 1/29/2003.

This action is made Final.

2. In the amendment, claims 6, 9, 16, 19, 26, and 29 have been canceled. Claims 31-36 have been added. Claims 1-5, 7-15, 20-25, 27-28, and 30-36 are pending in the case. Claims 1, 10-11, 20-21, and 30 are independent claims.

3. The rejections of claims 1, 4, 6, 9, 11, 16, 19, 21, 26, and 29 under 35 U.S.C. 102(e) as being anticipated by Aalbersberg (Pat.# 5,946,678, 8/31/99, filed 1/11/95, as disclosed in IDS paper 3) have been withdrawn as necessitated by the amendment.

4. The rejections of claims 2-3, 5, 7, 12-14, 15, 17, 22-24, 25, and 27 under 35 U.S.C. 103(a) as being unpatentable over Aalbersberg, in view of Greenberg et al, hereinafter Greenberg "Awareness through Views in Relaxed-WYSIWIS Groupware", Proceedings of Graphic Interface, Toronto, Canada (1995, as disclosed in IDS paper 3) have been withdrawn as necessitated by the amendment.

5. The rejections of claims 8-3, 5 under 35 U.S.C. 103(a) as being unpatentable over Aalbersberg, in view of Greenberg, and further in view of Ball et al "Software Visualization in

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the Large", IEEE Computer, vol.29, No.4, pp. 33-43 (4/1996, as disclosed in IDS paper 2) have been withdrawn as necessitated by the amendment.

Drawings

6. Color photographs and color drawings are acceptable only for examination purposes unless a petition filed under 37 CFR 1.84(a)(2) is granted permitting their use as acceptable drawings. In the event that applicant wishes to use the drawings currently on file as acceptable drawings, a petition must be filed for acceptance of the color photographs or color drawings as acceptable drawings. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and an amendment to the first paragraph of the brief description of the drawings section of the specification which states:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings have been satisfied.

Claim Objections

7. Appropriate correction has been made to claim 2, therefore its objection has been withdrawn.

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Claim Rejections - 35 USC § 112

8. Appropriate corrections have been made to claims 7, 17, and 27. Therefore, its 35 U.S.C. 112 second paragraph rejections have been withdrawn.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 1-5, 8, 11-15, 18, 21-25, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Ball et al "Software Visualization in the Large", IEEE Computer, vol.29, No.4, pp. 33-43 (4/1996, as disclosed in IDS paper 2).

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Regarding independent claim 1, Ball discloses the color-coding of a document based on a concept of interest—"code age"-- input by a user. Color-coding takes place by analyzing the document and color-coding or identifying locations of interest in the document as per the concept of interest indicated by the user-- (page 4, 2.1, and fig. 1).

Furthermore, Ball discloses a right pane—*visual indicator*-- for indicating the display of a concentration of the analyzed new, and old code by their respective color-coding. A user can look at the right pane thumbnail and view the concentration of the old and new code throughout the document, based on the different color of the code -- (page 4, 2.1, and fig. 1).

Regarding claim 2, which depends on claim 1, Ball discloses a right pane—*visual indicator*-- for indicating the display of a line representation—*contour graph image*—showing the relative strength of the concept of interest--analyzed new, and old code-- by highlighting each line in the representation graph with their respective color-coding -- (page 4, 2.1, and fig. 1).

Regarding claim 3, which depends on claim 1, Ball discloses a right pane—*visual indicator*-- for indicating the display of a line representation *or line graph* showing the relative strength of the concept of interest--analyzed new, and old code-- by highlighting each line in the representation graph with their respective color-coding -- (page 4, 2.1, and fig. 1).

Regarding claim 4, which depends on claim 1, Ball discloses a right pane—*visual indicator*-- for indicating the display of a bar containing color-coded rows of pixels—*bar graph*—

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- showing the relative strength of the concept of interest--analyzed new, and old code-- by highlighting each row in the bar graph with their respective color-coding -- (page 4, 2.1, and fig. 1).

Regarding claim 5, which depends on claim 1, Ball discloses a right pane—*visual indicator*-- for indicating the display containing color-coded lines scattered throughout a visual representation of a document—*bar graph*-- showing the relative strength of the concept of interest--analyzed new, and old code-- by highlighting each row in the bar graph with their respective color-coding -- (page 4, 2.1, and fig. 1).

Regarding claim 8, which depends on claim 1, Ball discloses the display of an elongated thumbnail version of a document with portions color-coded—*annotated*-- to identify a user's concept of interest discussion (page 4, 2.1, and fig. 1).

Claims 11-15, 18 are directed towards a computer program product on a computer-readable medium for storing the steps found in claims 1-5, and 8 respectively, and therefore are similarly rejected.

Claims 21-25, 28 are directed towards a computer system for implementing the steps found in claims 1-5, and 8, therefore are similarly rejected.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 10, 20, 30, 32, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aalbersberg (Pat.# 5,946,678, 8/31/99, filed 1/11/95, as disclosed in IDS paper 3).

Regarding independent claim 10, Aalbersberg discloses a window for receiving query words—"car, sales, Europe"-- indicating user's concepts of interest input (c. 2, L. 1-58, and fig. 2).

Furthermore, Aalbersberg discloses the display of a results window having a list of indicators—*selectable concept indicators*-- presenting the relevance of the query words or concepts of interest using color scheme. The indicators also have a view button, which allows a user to select the corresponding indicator to view the full text of the document containing the query words. In response to the selection of the view button, the document is retrieved and analyzed for the corresponding query words present in the document. Each query word is retrieved, and displayed using the color scheme (col. 6, L. 1-67, and fig. 4-5).

Claim 20 is directed towards a computer program product on a computer-readable medium for storing the steps found in claim 10, and therefore is similarly rejected.

Claim 30 is directed towards a computer system for implementing the steps found in claim 10, and therefore is similarly rejected.

Regarding claim 32, which depends on claim 10, Aalbersberg discloses the display of a results window having a list of indicators—*selectable concept indicators*-- presenting the relevance of the query words or concepts of interest using color scheme. The indicators also have a view button, which allows a user to select the corresponding indicator—first, second, third indicator, etc., to view the full text of the document containing concentration of the location of the query words or *concept of interest*. In response to the selection of the view button, the document is retrieved and analyzed for the corresponding query words present in the document. Each query word is retrieved, and displayed using the color scheme (col. 6, L. 1-67, and fig. 4-5).

Claim 34 is directed towards a computer program product on a computer-readable medium for storing the steps found in claim 32, and therefore is similarly rejected.

Claim 36 is directed towards a computer system for implementing the steps found in claim 32, and therefore is similarly rejected.

13. Claims 7, 31, 17, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ball, in view of Greenberg et al, hereinafter Greenberg “Awareness through Views in Relaxed-WYSIWIS Groupware”, Proceedings of Graphic Interface, Toronto, Canada (1995, as disclosed in IDS paper 3).

Regarding claim 31, which depends on claim 1, Ball discloses the display of a red box for showing the same portion of the document in three different scaled panes -- (page 4, lines 19-20 and fig. 1). Ball fails to explicitly teach *displaying a slider on said visual indicator, said slider highlighting a section of said visual indicator corresponding to said section of said electronic document displayed on said display*. Greenberg teaches the display of a selected portion of a document as a box—*slider*-- is grabbed and moved to a different location in a minimized version of a document, and displaying an amplified version of the section enclosed by the box (page 2, lines 12-17, fig.1). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Ball, and Greenberg, because this has the benefit of allowing a user to move the box of Ball to a new location enabling the user to view the entire document, not just a portion of it.

Regarding claim 7, which depends on claim 31, Ball discloses a red box for showing the same portion of the document in three different scaled panes -- (page 4, lines 19-20, and fig. 1). Ball fails to explicitly teach *accepting user input moving said slider to a second section of said visual indicator and responsive to movement of said slider to said second section of said visual indicator, displaying a section of said electronically stored document corresponding to said second section of said visual indicator*. Greenberg teaches the display of a selected portion of a document as a box is grabbed and moved to a different location in a minimized version of a document, and displaying an amplified version of the section enclosed by the box (page 2, lines 12-17, fig.1). It would have been obvious to a person of ordinary skill in the art at the time of the

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invention to have combined Ball, and Greenberg, because this has the benefit of allowing a user to move the box of Ball to a new location enabling the user to view the entire document, not just a portion of it.

Claims 17, and 33 are directed towards a computer program product on a computer-readable medium for storing the steps found in claims 7, and 31 respectively, and therefore are similarly rejected.

Claim 27 is directed towards a computer system for implementing the steps found in claim 7, and therefore are similarly rejected.

Claim 35 is directed towards a computer system for implementing the steps found in claim 31, and therefore are similarly rejected.

Response to Arguments

14. Applicant's arguments with respect to claim 1-5, 7-8, 10-15, 17-18, 20-25, 27-28, and 30-36 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 1, the Applicant indicates that Aalbersberg does not teach the newly added limitation of providing an indication of the concentration of location of concept of interest

discussion (page 12, lines 2-29). The Applicant is directed towards the new rejection of this newly added limitation found above.

Claims 4, 11, and 21, which include the newly added limitation discussed above have been rejected under new set of rejection; therefore the Applicants are directed towards these rejections as necessitated by the amendment

Moreover, the Applicant indicates that neither Greenberg nor Ball teach or suggest the newly added limitation of providing an indication of the concentration of location of concept of interest discussion (page 14, lines 16-29). The Examiner disagrees, because Ball discloses a right pane—*visual indicator*-- for indicating the display of a concentration of the analyzed new, and old code by their respective color-coding. A user can look at the right pane thumbnail and view the concentration of the old and new code throughout the document, based on the different color of the code -- (page 4, 2.1, and fig. 1).

Independent claims are rejected in view of the rejections above, as necessitated by the amendment.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

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Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). **IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

I. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (703) 306-5543. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. However, in such a case, please allow at least one business day.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this Action should be mailed to:

Director United States Patent and Trademark Office

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Washington, D.C. 20231

Or faxed to:

- (703) 746-7238, (for **After Final** communications intended for entry)
- (703) 746-7239, (for **Formal** communications intended for entry, **except formal After Final communications**)

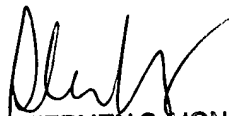
Or:

- (703) 746-7240, (for **Informal or Draft** communications for discussion only, please label **"PROPOSED"** or **"DRAFT"**).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

CBP

7/25/03


STEPHEN S. HONG
PRIMARY EXAMINER